Exhibit 7

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

NEUROGRAFIX, a California corporation; WASHINGTON RESEARCH FOUNDATION, a not-for-profit Washington corporation,

PLAINTIFFS,

VS.

SIEMENS MEDICAL SOLUTIONS USA, INC., a Delaware corporation and SIEMENS AKTIENGESELLESCHAFT, a German corporation,

DEFENDANTS.

AND RELATED CROSS ACTION

CASE NO.

CV 10-1990 (MRP)(RZX)

VIDEOTAPED DEPOSITION OF AARON G. FILLER, M.D.

LOS ANGELES, CALIFORNIA

FEBRUARY 22, 2011

REPORTED BY: CHRISTY A. CANNARIATO, CSR #7954, RPR, CRR

JOB NO.: 36551

February 22, 2011

9:03 a.m.

Deposition of Aaron G. Filler, M.D., taken on behalf of Defendants, held at the offices of Russ, August & Kabat, 12424 Wilshire Boulevard, Suite 1200, Los Angeles, California, before Christy A. Cannariato, CSR #7954, RPR, CRR.

A P P E A R A N C E S

REPRESENTING THE PLAINTIFF AND THE WITNESS:

RUSS, AUGUST & KABAT

BY: MARC FENSTER, ESQ.

12424 WILSHIRE BOULEVARD

LOS ANGELES, CALIFORNIA 90025

REPRESENTING THE DEFENDANTS:

KIRKLAND & ELLIS

BY: GREGG LoCASCIO, ESQ.

BY: SEAN M. McELDOWNEY, ESQ.

655 FIFTEENTH STREET, N.W.

WASHINGTON, D.C. 20005

ALSO PRESENT:

MICHAEL MOSELEY, Ph.D.

DARREN SIRKIN, THE VIDEOGRAPHER

I N D E X

EXHIBITS

EXHIBITS

QUESTIONS INSTRUCTED NOT TO ANSWER

Page 124, Line 24

Los Angeles, California; Tuesday, February 22, 2011

9:03 a.m.

THE VIDEOGRAPHER: Good morning.

This is the start of tape labeled No. 1 of the videotaped deposition of Aaron Filler in the matter Neurografix versus Siemens in the US District Court, Central District of California, Case No. CV 10-19990 (MRP)(RZX).

This deposition is being held at 12424 Wilshire Boulevard, Santa Monica, California, on Tuesday, February 22nd, 2011 at approximately 9:03 a.m.

My name is Darren Sirkin from TSG Reporting. The court reporter is Christy Cannariato also in association with TSG.

Counsel, would you please introduce yourselves.

MR. LoCASCIO: Gregg LoCascio and Sean McEldowney from Kirkland & Ellis, LLP on behalf of the Defendants. In attendance is Dr. Michael Moseley.

MR. FENSTER: Marc Fenster with Russ, August & Kabat on behalf of Neurografix and the witness.

THE VIDEOGRAPHER: Thank you. Will the court reporter please swear in the witness.

AARON G. FILLER, M.D.,
having first been duly sworn, was
examined and testified as follows:

EXAMINATION

BY MR. LoCASCIO:

Q. Good morning, Dr. Filler.

A. Good morning.

Q. Have you been deposed before?

A. Yes.

Q. And roughly tell me how many times.

A. About 250, 300 times.

Q. What context generally were those depositions in?

A. They were mostly medical sort of personal injury, med-mal. Some of them are expert, mostly relating to medical imaging in some ways.

Q. In any of them were you a named party?

A. Yes, I've been a named party a few times.

Q. Were you ever the plaintiff or were you always the defendant in those cases?

A. Both.

Q. Can you just tell me briefly in what context you've been a plaintiff, sir, other than this case?

MR. FENSTER: You mean him personally?

talks about various types of sequences, T2, CHESS. Whether that's something he invented or the art is germane to what those terms mean under the spec, Marc.

MR. FENSTER: Okay.

MR. LoCASCIO: This isn't an exercise in, you know, someone else invented it. The questions for validity, I agree, Marc are for another day.

Q. BY MR. LoCASCIO: Dr. Filler, is there someone who is the inventor/pioneer/originator, whatever term you want to put to it, of the T2 weighted sequence?

A. Well, you know, I have that article about the history of computational imaging, and I go through the history of MMR. I don't know if you've had a chance to read it, but that goes back into the MMR period back into the 1950s. And it may be in my paper I say in that paper I say specifically who first used T2 weighted sequences.

But that was very early on as they understood the T1 and T2 decay and then how to run different MMR experiments that, you know, preferentially showed off the decay from -- the T1 effects versus the decay from the T2 effects.

Q. In short, sir, you agree with me that you didn't come up with fat suppression sequences?

A. No.

Q. Did you come up with fat suppression

sequences? My question was in the negative, and you answered no, so that's why I've reasked it. Withdrawn.

Did you invent using a fat suppression sequence in an MRI machine?

MR. FENSTER: Objection. Vague.

A. I did not invent -- you asked me did I invent using fat suppression in MRI machines, and the answer is no.

Q. Okay. Did you invent using diffusion weighting sequences?

MR. FENSTER: Objection. Vague.

A. I did not invent using diffusion weighting in an MRI machine. No.

Q. Did you invent using something called long T2 processing in an MRI machine?

A. No.

Q. Do you believe you were the first to combine any of those techniques?

MR. FENSTER: Objection. Vague.

A. I was the first to combine them in the way the patent discloses in order to increase the conspicuity of nerve. Or our group. When I say I, I can say collectively our inventors.

Q. And what is, in your view, the way the patent discloses combining those techniques to increase the

conspicuity?

A. Well, we provide several methods.

MR. FENSTER: Objection. Vague.

Go ahead.

Q. What are they?

A. Well, for fat suppression we use I think you mentioned Dixon, a variety of inversion recovery type sequences, as well as chemical shift selection sequences for fat suppression.

Q. That's CHESS?

A. Yeah, chemical shift selection is the classical version of the chemical shift method.

Q. And the acronym for that is CHESS?

A. Yes.

Q. You didn't come up with any of those; correct?

A. No.

Q. Same thing happened again.

Did you come up with any of those?

A. I didn't invent those pulse sequences. No.

Q. And do you believe, sir, that you were the first to use those to image a nerve?

MR. FENSTER: Objection.

A. No, I didn't say that. I said that what we did was to assemble them in such a way as to make the nerve meet the conspicuity requirement. That's one of the

supporting cells are glia versus Schwann cells. There's normally no fat at all inside the arachnoid. So fat suppression is just not relevant. I mean, myelin is a lipid, and you have myelin and some gli -- oligodendroglial cells as well as myelin in the Schwann cells. But the fact that we talked about in fat suppression is something that is an issue outside the Obersteiner-Redlich transition zone.

Q. Sir, do you have the patent still in front of you which I think is Exhibit 11? You can just look at the copy of the patent you have sitting right there, sir. I want to ask you just a couple quick questions.

The first one is if you can turn to Claim 1 for me, which is Column 37.

Are you there? There are various steps in Claim 1. Agreed?

A. Yes.

Q. And some of those steps describe performing some function; correct?

A. Yes.

Q. And with respect to the first three, (a), (b), and (c), at a high level whenever you use an MRI machine, do you expose on a living subject an in vivo region to a magnetic polarizing field?

A. Well, you could do it on a nonliving subject.

Q. But, sir, do you always expose a region of the subject to a magnetic polarizing field when you use an MRI machine?

A. Yes.

Q. Do you always expose the region to an electromagnetic excitation field when you use an MRI machine?

A. Yes.

Q. Do you also sense the resonant response of the in vivo image to the polarizing and excitation fields when you use an MRI machine?

A. Yes.

Q. And then, I take it, the whole point of the use of an MRI machine would be to produce some output indicative of that resonant response. Agreed?

A. Yes.

Q. Okay. And so those steps, those three or four steps I just walked through, that's basically using an MRI machine. Fair?

A. Well, from a certain point of view. I mean, I think the steps play a certain technical role in the construction of the claim which we may come back to with your subsequent questions, but those reflect three fundamental aspects of the operation of an MRI scanner.

Q. Okay. Step (d) on Claim 1 says "controlling

the performance of steps (a), (b), and (c). (a) being exposing the region to the magnetic polarizing field (b) being exposing it to an electromagnetic excitation field and (c) sensing the resonant response in producing an output.

And it goes on to say, "to enhance any output produced the selectivity of said nerve while the nerve is living in the in vivo region of the subject." Did I read (d) correctly?

A. You did.

MR. FENSTER: Objection. Misstates the claim.

Q. Step (d), what function does step (d) perform? Is it to enhance the selectivity of the nerve? Is that the function of step (d)?

MR. FENSTER: Objection. Vague.

Q. You're controlling these first three to do something, and that's kind of what I want to know from you. What are you doing with the control of steps (a), (b), and (c)? What's the act?

A. Well, that would be the execution of a pulse sequence.

Q. That's the what (d) is?

A. Yes.

Q. And the pulse sequence, sir, performs the function of enhancing any output that produced the

and the structures that relate to a means plus function language.

Q. All of which goes to terms that involve something called the processing means; correct?

MR. FENSTER: That's not true. Misstates the document.

Q. Okay. Dr. Filler, let me ask you another question, sir, not with reference to the document.

A. Okay.

Q. Your patent discloses use of a computer to perform various processing tasks; correct?

A. Yes.

Q. And that computer requires software instructions to do those tasks; correct?

A. Yes.

Q. And those software instructions, sir, are not provided in the specification; correct?

A. No, I wouldn't say that. I mean, I never said that.

Q. You believe for some of the processing means language there are specific algorithms or instructions to set forth the software instructions?

A. I think that everything you need to know is disclosed in the specification if you bring skill in the art. I think if an attorney tried to read the

specification and know what to do, he might have a hard time. If you took someone skilled in the art, as we describe, and then there's sufficient information to do everything we describe and to know what to do with the computers that we describe. Yeah, I think everything -- every single step, you know, was supported by algorithms. The algorithms are sufficient.

Q. Just give me one second. Don't need to go anywhere.

When we were looking at Claim 1 before, we were looking at steps, (a), (b), (c), and (d). There was an (e) which refers to processing the image, processing the output to generate a data set. And then there's some specifics that follow that. Any MRI machine, the use of it, sir, before you even filed your patent application, necessarily processed the output to generate a data set. Correct?

A. Yes.

Q. And all of those machines, I take it, had some software to instruct them how to do that; right?

A. Yes.

MR. LoCASCIO: At this point, Marc, I have no other questions for Dr. Filler with respect to his report as it relates to claim construction. Thank you very much.

THE VIDEOGRAPHER: We're going to go off the

record at 2:43 p.m. Thank you.

(Proceedings concluded.)

(Exhibit 18 marked for identification.)

(Exhibit 19 marked for identification.)

STATE OF CALIFORNIA)
) SS
COUNTY OF LOS ANGELES)

I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

Executed this _____ day of _____, 20__, at _____, _____.

(City) (State)

_____

AARON G. FILLER, M.D.